

Remarks

Reference characters have been deleted from the claims. Other minor amendments have been made as suggested in the Office action to put the claims in better form. New claim 15 – 20 finds support throughout the specification, including on pages 2 and 3.

An automatic English-language translation of FR 2785238 is attached. Reference will be made to the attached translation, because it seems to be more readable than the automatic translation from the European Patent Office. Applicants respectfully submit claim 1 is not anticipated by FR 2785238. First, claim 1 requires the approval criterion to be a function of engine torque. The reference teaches employing predetermined torque limits when the engine is starting (paragraph [0010]) and when the clutch is in a skating condition (paragraph [0013]). Second, claim 1 requires the default engine torque to be determined as a function of at least one current engine characteristic. The reference sets fixed limit values for torque based on a mode selection.

Applicants agree that claim 1 does not specify what the approval criterion has to be. Hess does not provide any approval criterion. According to Hess operating variables can include a desired torque value, a signal representing a degree of actuation  $\beta$ , engine speed, engine load, and engine temperature (See column 2, lines 36 – 55). These operating variables are not approval criterion, because they are never compared to a required value. According to Hess, the operating variables are merely separated into a desired torque value for the charge path and a desired value for influencing the metering of fuel and/or the ignition angle. Hess's method proceeds regardless of what the operating variables happen to be. Therefore, according to Hess, nothing is contingent upon satisfying an approval criterion for an engine torque. Tabata, Yoshida, and Mabuchi are not cited to compensate for the above-discussed shortcomings of Hess. Favorable reconsideration is respectfully requested.

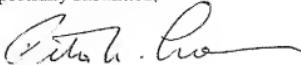
The Director is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in

this application by this firm) to our Deposit Account 14-1437. Please credit any excess fees to such account.

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